

HOUSE BILL 1205

A2

0lr3189

By: **Montgomery County Delegation**

Introduced and read first time: February 18, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages License Fees – Repeal of Sunset**

3 **MC 24-10**

4 FOR the purpose of repealing the termination date of certain Class B alcoholic
5 beverage license fees applicable in Montgomery County; and generally relating
6 to alcoholic beverages in Montgomery County.

7 BY repealing and reenacting, without amendments,
8 Article 2B – Alcoholic Beverages
9 Section 6-201(q)
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,
13 Chapter 91 of the Acts of the General Assembly 2001, as amended by Chapter
14 48 of the Acts of the General Assembly of 2005
15 Section 2

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 2B – Alcoholic Beverages**

19 6-201.

20 (q) (1) (i) This subsection applies only in Montgomery County.

21 (ii) 1. In this subsection the following words have the
22 meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 alcoholic beverages may not be served to patrons or consumed at any bar, counter
2 without seats, or other room but in the dining area. However, the seats in the cocktail
3 area may not exceed 25 percent of the seats normally available for the general public
4 in the dining area, including the cocktail area portion, but excluding special banquet
5 and private party facilities.

6 (iv) Signs visible from the exterior of the building, advertising
7 the sale of alcoholic beverages, are not permitted in connection with any restaurant or
8 hotel holding a license issued under the provisions of this section except for the display
9 of the menu then in use by the licensee.

10 (v) 1. The annual license fee is \$2,500.

11 2. For the third license that is not restricted by location
12 and is obtained by a licensee under § 9–102.1 of this article, the annual fee is \$5,000.

13 (3) (i) There is a special Class B license known as Class B–BWL
14 (H–M) which shall be issued only for hotels and motels that meet the minimum
15 requirements set forth in subsection (a)(3) of this section. All of the privileges and
16 restrictions provided for in paragraph (2) of this subsection are applicable to this
17 special Class B license except that the gross receipts from the sale of alcoholic
18 beverages may not exceed the gross receipts from the sale of food, and registered
19 guests may be served in their rooms. In any instance where there is more than one
20 licensed establishment within the hotel or motel, the foregoing sales ratio shall be
21 applicable only to one license and that shall be the one that provides the food and
22 beverage service to the conventions, banquets and other groups that utilize facilities
23 within the hotel or motel.

24 (ii) The annual license fee is \$2,500.

25 (4) (i) In this paragraph, “performing arts facility” means a facility
26 that is used for artistic, corporate, and community related activities.

27 (ii) There is a special Class B–BWL (performing arts facility)
28 license.

29 (iii) The Board of License Commissioners may issue a special
30 Class B–BWL (performing arts facility) license to apply only to a performing arts
31 facility that has:

32 1. A minimum capital investment, not including real
33 property, of \$1,000,000;

34 2. A minimum capacity of 1,500 persons; and

35 3. A food service facility permit and 40 seats in a food
36 service area.

1 (iv) The Board may issue a special Class B–BWL (performing
2 arts facility) license for use by a not–for–profit partnership, limited liability company,
3 corporation, or other entity that leases the performing arts facility to host artistic,
4 corporate, and community related activities.

5 (v) 1. A special Class B–BWL (performing arts facility)
6 license authorizes the holder to sell beer, wine, and liquor by the drink from one or
7 more outlets on the licensed premises for consumption on the licensed premises.

8 2. A holder of a special Class B–BWL (performing arts
9 facility) license may only exercise the privileges under the license from 10:00 a.m. on
10 any day until 2:00 a.m. the following day.

11 3. A holder of a special Class B–BWL (performing arts
12 facility) license may not sell alcoholic beverages at:

13 A. A high school graduation held on the licensed
14 premises; or

15 B. A community meeting held, without food service, on
16 the licensed premises.

17 (vi) The Board may impose conditions on the issuance or
18 renewal of a special Class B–BWL (performing arts facility) license that establish the
19 areas in the performing arts facility where beer, wine, and liquor may be sold, served,
20 possessed, or consumed.

21 (vii) The Board may not approve the transfer of a special Class
22 B–BWL (performing arts facility) license to another location.

23 (viii) The annual license fee for a special Class B–BWL
24 (performing arts facility) license is \$1,000.

25 **Chapter 91 of the Acts of 2001, as amended by Chapter 48 of the Acts of 2005**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health and safety,
28 has been passed by a yea and nay vote supported by three–fifths of all the members
29 elected to each of the two Houses of the General Assembly, and shall take effect from
30 the date it is enacted. [It shall remain effective through June 30, 2010, and, at the end
31 of June 30, 2010, with no further action required by the General Assembly, this Act
32 shall be abrogated and of no further force and effect.]

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 June 1, 2010.